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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1944

No. 57

THE ASSOCIATED PRESS, PAUL BELLAMY, GEORGE FRANCIS BOOTH, ET AL., APPELLANTS,

vs.

THE UNITED STATES OF AMERICA

No. 58

TRIBUNE COMPANY AND ROBERT RUTHERFORD McCORMICK, APPELLANTS,

vs.

THE UNITED STATES OF AMERICA

No. 59

THE UNITED STATES OF AMERICA, APPELLANT,

vs.

THE ASSOCIATED PRESS, PAUL BELLAMY, GEORGE FRANCIS BOOTH, ET AL.

APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

FILED APRIL 13, 1944.

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APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

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	Original	Print
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	Original	Print
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15-id—List of names and locations by states and countries of all newspapers, domestic and foreign, to which the feature department of King Features Syndicate, Inc., supplied one or more features on September 30, 1941	2872	2312
16-id—The Blue Book (Brought up to date by Mr. Connolly)	2923	2358
16A-id—List of KFS features available for distribution	2963	2403
17-id—Eleven forms of agreement	2969	2408
22-id—Statement of expenditures for the year ended December 31, 1941 of NANA	2982	2437
23-id—List of clients of NANA as of September 30, 1941	2983	2438
25-id—Membership contract entitled "North American Newspaper Alliance contract, including certificate of incorporation and by-laws"	2989	2443
26-id—Wire service contract of NANA	3012	2459
27-id—Contract of NANA for "Fastest Mail" service	3013	2460
28-id—List of eight regular NANA features and list of foreign correspondents of NANA	3014	2461
30-id—List of Bell features currently distributed to newspapers	3015	2463
31-id—Typical form of contract of Bell Syndicate Inc.	3016	2464
32-id—Bell Syndicate Inc. contract form for budget of features	3017	2466
35-id—Typical form of contract of Associated Newspapers, Inc.	3018	2468
38-id—Typical form of Consolidated News Features, Inc. contract	3019	2469
39-id—Statement from Mr. Connolly as of May 3, 1943 showing list of current clients of KFS who take news mats and picture page services, consisting of 20 pages (Same as Defts. Ex. 13)	3020	2470
40-id—Typical form of KFS contract	3021	2470
41-id—Form of contract of Chicago-Tribune-New York News Syndicate, Inc.	3022	2472
42-id—Paper dated May 11, 1943, showing starting dates of present contracts of Chicago Tribune-N. Y. News Syndicate Inc.	3023	2475
44-id—Paper headed "Of the first 50 morning newspapers in the United States & Canada in total advertising for the year 1942, according to Media Records, those using some feature or features from the Chicago Tribune—N. Y. News Syndicate are following"	3024	2476
45-id—Paper headed "Of the first 50 evening newspapers in the United States and Canada in total advertising for the year 1942, according to Media		

Record from D.C.U.S. Southern District of New York—Continued

	Original	Print
Defendants exhibits (New York)—Continued		
Records, those using some feature or features from the Chicago Trib-N. Y. News Synd. are the following"	3025	2477
46-id—Paper headed "Chicago Tribune-New York News clients on the basis of circulation leadership. Figures taken from Editor & Pub. Year Book for 1943 showing following newspapers lead in circulation in U. S."	3026	2479
48-id—Schedule headed "1942 Expenditures for collection of news by New York News"	3027	2480
49-id—Tabulation headed "Editorial contents breakdown" for the week beginning Sunday April 25, 1943	3028	2481
50-id—Paper headed "Editorial contents breakdown" for the week beginning Sunday, May 2, 1943	3029	2482
51-id—Breakdown of amounts paid to AP and UP	3030	2482
Defendants' exhibits (Chicago):		
Ch-1-id—Form of contract with newspapers for Chicago Daily News foreign service	3031	2483
Ch-3-id—Location of 947 correspondents and stringmen in US	3032	2484
Ch-4-id—Statement of 1942 expenditures by Chicago Tribune and New York News	3033	2484
Ch-5-id—Advertisement sent out by Chicago Sun re 18 newsmen specialists	3034	2487
Ch-6-id—Facsimile of ad of Chicago Sun In E&P February 28, 1942	3035	2488
Ch-8-id Ch-9-id—Advertisements—Ex. 8 is a reference to addition of Washington Post to Chicago Sun Syndicate; Ex. 9 ad by Chicago Sun Washington Bureau	3036	2489
Ch-10-id—Form letter by Circulation Manager of The Chicago Sun	3039	2492
Ch-11-id—Press handout, U. S. Department of Agriculture release 1633-42, dated January 27, 1942, giving "Statement by Secretary of Agriculture Claude R. Wickard"	3040	2493
Ch-12-id—Press handout, U. S. Department of Agriculture release 1645-42, dated January 29, 1942, re "Summary of USDA Releases and Repo ts"	3042	2495
Ch-13-id—Front page of The Chicago Sun for Monday, April 19, 1943, covering story on "Shangri-La"	3044	2498
Ch-14-id—Front page of Chicago Daily Tribune for Monday, April 19, 1943, covering story on "Shangri-La"	3045	2499
Ch-15-id—Reprint from Editor & Publisher for March 21, 1942, of The Chicago Sun Syndicate advertisement with caption "Newsmen of The Chicago Sun's Wire Services Made 3 Great News Beats within one month!"	3046	2500

Record from D.C.U.S. Southern District of New York—Continued
Defendants' exhibits (Chicago)—Continued

	Original	Print
Ch-16-id—Copy of Sun Flashes which reproduces Western Union message of January 10, 1942, from Marshall Field and Silliman Evans to Henry Luce, Editor of Time	3047	2501
Ch-17-id—Page 12 of The Chicago Sun for Saturday, January 2, 1943, advertising the Chicago Sun	3048	2502
Ch-18-id—Page 23 of The Chicago Sun for Tuesday, December 29, 1942, giving circulation figures of Chicago newspapers	3049	2503
Ch-19-id—Advertisement of The Chicago Sun entitled "We ain't mad at nobody"	3050	2504
Ch-20-id—Advertisement by The Chicago Sun syndicate of Knickerbocker news beats	3051	2505
Ch-21-id—Copy of Sun Flashes reproducing article "H. V. Kaltenborn Tells of The Sun's War Beat"	3052	2506
Ch-22-id—Advertisement by The Chicago Sun	3053	2507
Ch-23-id—Advertisement of The Chicago Sun	3054	2508
Ch-24-id—Advertisement of The Chicago Sun, with caption "Mrs. S. must be slipping!"	3055	2510
Ch-25-id—Advertisement of The Chicago Sun, with caption "You'll be late again, Henry"	3056	2511
Ch-26-id—Advertisement of the Chicago Sun, with caption "He's on Sun time now!"	3057	2512
Ch-27-id—Advertisement of the Chicago Sun, with caption "Can't get away with it—"	3058	2513
Ch-28-id—Advertisement of The Chicago Sun, with caption "* * * nor with circuses!"	3059	2514
Ch-29-id—Figures prepared by Auditing Bureau of Circulation, on circulation of newspaper customers of CTPS	3060	515
Ch-30-id—UP story on Missouri lynching	3061	2516
Ch-31-id—Story by staff men of Chicago Tribune on the Missouri lynching, run by Chicago Daily Tribune in issue of Monday, January 26, 1942	3062	2516
Ch-32-id—Final 3-star edition of The Chicago Sun for Sunday, January 25, 1942 (front page) covering report on Pearl Harbor	3063	2516
Ch-33-id—Final 3-star edition of Chicago Daily Tribune for Friday, January 30, 1942 (front page) covering battleship Barham story	3064	2516
Plaintiff's exhibits (New York):		
1-id—Agreement between NY Tribune Inc. (by Howard Davis, VP) and Silliman Evans, agent for Marshall Field, dated October 15, 1941	3065	2517
2-id—Agreement between NY Tribune (by Howard Davis, Exec. VP) and Chicago Sun, by Silliman Evans, dated March 25, 1943	3071	2523

Record from D.C.U.S. Southern District of New York—Continued
Plaintiff's exhibits (New York)—Continued

	Original	Print
4-id—Copy of letter dated March 14, 1942, from Reuters (Mr. Rogers) to Managing Editor of Chicago Sun	3075	2527
6-id—Paper headed "Items upon which we desire information relating to INS"	3077	2528
7-id—Document headed "KFS, INS Division, Question No. 1"	3078	2529
8-id—Paper headed "KFS, INS Division, Question No. 2"	3088	2538
9-id—Paper headed "KFS, INS Division, Question No. 3"	3090	2540
10-id—Paper headed "KFS, INS Division, Question No. 4"	3091	2541
11-id—Paper headed "KFS, INS Division Payroll expense for year 1941, Question No. 5"	3092	2541
12-id—Paper headed "KFS, INS Division, Question No. 6"	3093	2542
13-id—Paper headed "KFS, INS Division, Question No. 7"	3094	2542
14-id—Paper headed "KFS, INS Division Leased Wire Expense, Question No. 8"	3095	2542
15-id—Paper headed "KFS, INS Division, Question No. 9"	3096	2542
16-id—Paper headed "KFS, INS Division, Question No. 10, News Expense, Question No. 10, Traffic Expense"	3097	2543
17-id—Paper headed "KFS, INS Division, Question No. 11"	3099	2544
17-A-id—Paper headed "KFS, INS Division, Question No. 12"	3100	2544
18-id—Paper headed "KFS, INS Division, Full-time Employees, Question No. 13"	3101	2545
19-id—Carbon copy of letter dated August 14, 1942 from Thurman Arnold, Ass't. Atty. Genl. to Seymour Berkson	3105	5549
20-id—Letter, dated August 20, 1942, from Seymour Berkson, Managing Editor, to Thurman Arnold	3107	2550
21-id—List of newspapers served by INS under franchise contracts dated April 20, 1943	3109	2552
22-id—List of subscribers having asset value contracts	3111	2554
24-id—Statement of the weekly newspaper clients, as of September 30, 1941, of the feature dept. of Kings Features Synd. Inc.	3113	2556
25-id—Statement of the cost to IN Pictures of its service to other than US daily newspapers during the year 1941	3122	2565

Record from D.C.U.S. Southern District of New York—Continued
Plaintiff's exhibits (New York)—Continued

	Original	Print
26-id—Statement of the number of INP clients in the year 1941 that were not daily newspapers	3123	2565
28-id—Statement of the number of INS customers in 1941 which were not US daily newspapers	3124	2565
29-id—Statement of the number of INS customers in year 1941 which were radio stations	3125	2566
30-id—Statement of the percentage of total 1941 INP revenues derived (a) from US daily newspapers, (b) from domestic sales, (c) from foreign sales	3126	2566
31-id—Statement of the percentage of INS revenues during the year 1941 derived from US daily newspapers and from other customers	3127	2566
33-id—Statement showing total amount paid by INS to stringmen (a) in 1941 and (b) in 1942, in each state of the United States	3128	2567
34-id—Statement showing the total amount paid by INS to stringmen in Canada in 1941 and in 1942	3129	2568
35-id—Statement as to the number of the 1864 reporters, correspondents and stringmen of INS in August, 1942, who were full time reporters and correspondents, part time reporters and correspondents and stringmen	3130	2568
37-id—Statement showing the names of all US evening newspapers having a circulation of 10,000 or more subscribing to INS service on September 1, 1942 which did not also have the news service of UP or AP	3131	2569
38-id—Statement showing the names of all the US morning newspapers having any circulation whatever which subscribed to INS service on September 1, 1942, which did not also then have the news service of either UP or AP	3132	2569
39-id—Statement of the number of customers listed on Defts. Ex. No. 12 who were receiving their pictures (a) by leased wire, (b) by messenger, (c) by mail domestic, (d) by mail, foreign	3133	2569
40-id—Statement showing the proportions or percentages of the total INP revenues in 1941 derived from (a) pictures delivered by leased wire, (b) pictures delivered by other means	3134	2570
42-id—Statement showing the correct list of newspapers as of August 1, 1942, obligated to furnish local news to INS	3135	2570
43-id—Statement of the list of US newspapers subscribing to INS news service as of September 1, 1942, which had exclusive rights of publication in their respective territories	3136	2572
44-id—Statement of the list of the US newspapers subscribing to INS news service under asset value, con-		

		Original	Print
Record from D.C.U.S. Southern District of New York—Continued			
Plaintiff's exhibits (New York)—Continued			
tracts and the respective amounts payable to those papers should INS be sold to competitors in the area		3137	2573
45-id—Statement showing a list of INP leased wire picture customers other than Hearst newspapers, entitled to exclusive use of pictures in their territories		3139	2575
46-id—Statement from Mr. Connolly of a list of INP picture customers receiving pictures by other means than leased wires, other than the Hearst papers, entitled to the exclusive use of the pictures in their respective territories		3140	2575
Plaintiff's exhibit Ch.-2-id-(Chicago)—Form of contract, Chicago Tribune—New York News Syndicate		3141	2576
Opinion, Hand, J.,		3144	2579
Dissenting opinion, Swan, J.,		3170	2601
Findings of fact and conclusions of law		3176	2606
Judgment		3205	2630
Appeal papers of The Associated Press, et al:			
Petition for appeal		3211	2634
Assignment of errors		3214	2635
Order allowing appeal		3221	2639
Bond on appeal	(omitted in printing)	3223	
Praecipe for record		3226	2641
Citation	(omitted in printing)	3234	
Appeal papers of Tribune Company and Robert Rutherford McCormick:			
Petition for appeal		3238	2646
Assignment of errors		3242	2647
Order allowing appeal		3259	2660
Bond on appeal	(omitted in printing)	3262	
Praecipe for record		3265	2661
Citation	(omitted in printing)	3271	
Appeal papers of United States of America:			
Petition for appeal		3273	2665
Assignment of errors		3274	2666
Order allowing appeal		3281	2672
Praecipe for record		3282	2672
Citation	(omitted in printing)	3284	
Stipulation as to record		3287	2674
Clerk's certificate	(omitted in printing)	3289	
Statement of points to be relied upon and designation of record—Case No. 57		3290	2674
Statement of points to be relied upon and designation of record—Case No. 58		3297	2679
Statement of points to be relied upon and designation of record—Case No. 59		3299	2680
Order noting probable jurisdiction		3302	2681